

public safety that those should be in there, and this is a copy of the FRA regulations, and if you would want to take time to go through them, they can change these at almost any time. They can change these regulations. And we are saying they can go through these, it does not even have a regulation in there that deals with trains that carry hazardous materials. There is not even a requirement there for that now. I feel for the protection of the people of the State of Nebraska that this subsection should be deleted so at least we know that in the future, in the future, if this is adopted, that the systems will be in place. We will have it for public protection. You all have a handout where we have asked for an Attorney General's opinion on whether or not because of the federal court case that was held over a year ago that there could be some type of public state responsibility, where somebody could actually sue the State of Nebraska because the safety question was addressed in the judge's decision. And some people can laugh at this, you might not think this is serious, but here a year or so ago there was a court case that was upheld at Grand Island, Nebraska where somebody listened to a weather report...it was a state case, well, anyway they listened to a weather report and they called for weather warnings, severe weather warnings in a half an hour, and the people waited for 20 minutes because they figured they was okay. They left, they got caught in a storm, and because of that, there were some personal injuries or property damage, and they sued, and they sued and won through the state because of the weather report. Well, a court case that we have or had a year ago brought up public safety and you can see the copy of the letter. I have asked for an AG's opinion. I have asked for an AG's opinion to see if there is any potential liability. Well, if we delete subsection (2), that will help protect us in the future on potential liability. I ask for the adoption of this amendment.

SPEAKER NICHOL: Senator Hannibal.

SENATOR HANNIBAL: Mr. Speaker, I rise to oppose the amendment. The amendment deals with removing a part of the phase out and would leave on the statutes the definition of the telemetry system which is that rear end device, and what we are trying to do with this legislation is make us like the rest of the country, makes us like the rest of the states that the railroads run through. If you take this amendment and pull off this section, you will continue to make us a very singular state right in the middle where things have to be done completely different from the FRA agreements, and when Senator Pappas